

**Council Chambers, Municipal Building, Baraboo, Wisconsin
Tuesday, July 9, 2019 – 7:00 p.m.**

Mayor Palm called the regular meeting of Council to order.

Roll call was taken.

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Kierzek, Thurow

Council Members Absent:

Others Present: Chief Schauf, Clerk Zeman, Adm. Geick, Atty. Truman, C. Haggard, T. Pinion, K. Stieve, M. Willer, Tyler Greenwood, EMS Chief Dana Sechler, Troy Snow, Kevin Edwards, members of the press and others.

The Pledge of Allegiance was given.

Moved by Wedekind, seconded by Ellington and carried to approve the minutes of June 25, 2019.

Mayor Palm noted that CA-1 should be \$488,235.82. Moved by Alt, seconded by Kolb and carried to approve the amended agenda.

Compliance with the Open Meeting Law was noted.

PRESENTATION – Fire Chief Kevin Stieve introduced Assistant Fire Chief Mark Willer

PUBLIC HEARING – The Mayor announced that this is the published date and time to hear public comment concerning a request by Tuttle Heights LLC to rezone 0.59 acres of land from its current R-1A Single-Family Residential zoning classification to an R-3 One-to Four-Family Residential zoning classification, being part of the NE ¼ of the NW ¼ of Section 36, T12N, R6E located on the west side of Tuttle Street between Albert Road and 13th Street.

Dirk Schultze, S1085 Clara Ave Wisconsin Dells, is in favor of the rezone; however, he did not wish to speak.

No one spoke and the Mayor closed the Public Hearing.

PUBLIC INVITED TO SPEAK – None.

MAYOR'S BUSINESS –

- The Mayor read the Big Top Parade & Circus Celebration Proclamation for July 20, 2019.
- Goal Setting & Long Term Planning Meeting – Wednesday, July 10 at 6PM.

CONSENT AGENDA

Resolution No. 19-51

THAT the Accounts Payable, in the amount of \$ 488,235.82 as recommended for payment by the Finance/Personnel Committee, be allowed and ordered paid.

Resolution No. 19-52

THAT, John Statz be appointed as the Weed Commissioner serving until April 21, 2020

and that

THAT, Michele Yates-Wickus be appointed as the School District Representative on the Library Board serving until June 30, 2022.

Moved by Kolb, seconded by Wedekind and carried that the Consent Agenda be approved-9 ayes.

NEW BUSINESS

Resolutions:

Resolution No. 19-53

That Section 1.10 of the City's Public Memorial or Facility Naming and Advertising Policy is hereby amended as follows:

- 1.10 If a person, family or organization makes a significant donation (i.e. cash, property, equipment, etc.) to the City, their wishes to have the donation recognized by naming the donation or the purpose the donation was used for (i.e. property or equipment) their wishes shall be considered favorably, although the final decision shall remain in the sole discretion of the City and the City shall be allowed to place any lawful condition or restriction on the naming as it deems appropriate.

Moved by Sloan, seconded by Petty and carried that **Resolution No. 19-53** be approved-8 ayes, 1 Nay-Kolb

Resolution No. 19-54

That the position and corresponding description, attached to this Resolution, for an Engineer 1 is hereby approved.

CITY OF BARABOO Position Description

Class Title:	Engineer 1 (Staff Engineer)
Grade:	9
Created/Updated:	July 2019
Department:	Engineering
Reports to:	City Engineer and City Administrator

General Purpose: Perform routine and complex non-professional engineering work and provide customer assistance to the public. Provide data, research, and maps to aid departments throughout the City. May serve as a member of the Information Technology Workgroup.

Supervision:

Received: Works under the general supervision of the City Engineer. However, position also works closely with Water, Sewer, Public Works, and Administration.

Exercised: Not applicable.

Essential Duties & Responsibilities:

1. Locate utilities for Digger Hotline calls to include sanitary, storm, electrical and fiber.

2. Perform survey and layout for street, alley, utility or other construction projects.
3. Determine location of public right-of-way and property lines for City-owned property.
4. Research and write legal descriptions as directed by the City Engineer.
5. Prepare engineered drawings under the direction of the City Engineer.
6. Act as Resident Project Representative on construction projects.
7. Provide Construction Staking as required for the City's construction projects.
8. Responsible to fulfill all requirements of the Wisconsin DNR's WPDES General Permit for discharge from the Municipal Separate Storm Sewer System (MS4).
9. Complete annual PASER ratings for all streets and alleys and file necessary report(s) with WDOT as required.
10. Develop and maintain 5-year Street Improvement Plan.
11. Develop and maintain 3-year Sidewalk Improvement Plan.
12. Prepare Special Assessment Reports for assessable improvements.
13. Coordinate Annual Sidewalk Maintenance Program activities.
14. Assist with preparation of annual Budget.
15. Maintain and file all official map records, (tax parcel, utility, street, etc.).
16. Give general and technical information regarding department activities in response to inquiries both in the Engineering Department and the Assessor's Office.
17. Secondary person to input facility maintenance data on to maps and into data bases for streets, sewers, sidewalks, signs, parking lots, and other City owned facilities into a GIS system.
18. Assist with computer support on City network.
19. Assist with installation and maintenance with all GIS programs.
20. Other duties as apparent or assigned.

Peripheral Duties:

1. Operate a vehicle.
2. Provide backup to related positions.
3. Attend meetings as assigned.
4. Attend periodic safety classes as determined appropriate for the position, i.e. personal protective equipment, excavating and trenching, etc.
5. Assists the public by providing information and maps.
6. Perform additional tasks as required or requested.

Desired Minimum Qualifications:

1. Specialized knowledge of engineering work acquired either through education or experience.
2. Working knowledge of surveying and engineering practices and principals.
3. Able to read and write legal descriptions, translating them into graphic map representations.
4. Working knowledge of engineering transit and level and related surveying tools, personal operating computer systems, GIS systems, and AutoCADD software.
5. Able to effectively meet and deal with the public, to communicate effectively both verbally and in writing, and to follow oral and written instructions.

Education and Experience:

1. A Bachelor's degree in Civil Engineering.
2. A minimum of 5 years' experience as an Engineer or in a related field.

Special Requirements: Understand the importance of safety by attending classes provided by the City through CVMIC and other trained staff because of exposure to accidents that could occur while working in the field.

Tools & Equipment Used: Personal computer, Engineering transit, level and related surveying tools, large format plotter and scanner/copier, manual and computerized drafting equipment.

Physical Demands: The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is frequently required to sit and talk or hear. The employee is frequently required to walk; use hands to finger, handle or operate objects, tools or controls; and reach with hands and arms.

The employee must routinely lift and/or move up to 50 pounds and 100 pounds occasionally. Specific vision abilities required by this job include close and distant vision and the ability to adjust focus.

Work Environment: The work environment characteristics described here are representatives of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

A portion of the work will be outdoors, sometimes in severe environments throughout the winter months in particular. Position may respond to calls from the Utility Department for emergency locates. The need to visit sites throughout the City requires working in all types of weather, both favorable and inclement. Work is also done at times in moving traffic. The noise level in the office work environment is moderate; work in the field may be noisy.

Selection/Guidelines: Formal application, rating of education and experience; oral interview, and reference check; job related tests may be required.

The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.

The job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer as the needs of the employer and requirements of the job change.

Moved by Kolb, seconded by Wedekind and carried that **Resolution No. 19-54** be approved-
9 ayes.

Ordinances:

Moved by Sloan, seconded by Ellington and carried unanimously to approve the 1st reading of **Ordinance No. 2523** amending §17.18(4)(a) and the Zoning District Map rezoning tax parcel 206-0370-00000 from R-1A Single Family Residential to R-3 One- to Four-Family Residential.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO
ORDAIN AS FOLLOWS:

1. Section 17.18(4)(a), Ordinances is hereby revised to reflect the following change to Tax Parcels 206-0370-00000: rezone this 0.59 acres of land being part of the NE ¼ of the NW ¼ of Section 36, T12N, R6E located on the west side of Tuttle Street between Albert

Road and 13th Street described as follows:

Commencing on the north lie of Albert Road at a point 990 feet south and 429 feet east of the NW corner of the NE ¼ of the NW ¼ of said Section 32; thence east along the north line of Albert Rd 198 feet to the west line of Tuttle Street; thence north along the west line of Tuttle Street 132 feet to the south line of 13th Street; thence west along the south line of 13th Street 198 feet; thence south 132 feet to the point of beginning

2. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Kolb to amend Ordinance No. 2524 to include the requirement of a fully functioning video surveillance system with recordings that will be retained for no less than sixty calendar days, seconded by Sloan and carried unanimously to approve the 1st reading of **Ordinance No. 2524** amending Section 12.02 of the Baraboo Municipal Code as follows:

12.02 INTOXICATING LIQUOR AND FERMENTED MALT BEVERAGES.

- (1) STATE STATUTES ADOPTED. Except as otherwise specifically provided for in this section, the provisions of Ch. 125, Wis. Stats., are adopted and by reference made a part of this section as if fully set forth herein. A violation of any such provision shall constitute a violation of this section. Any future amendments, revisions or modifications of the statutory regulations in Ch. 125, Wis. Stats., are made a part of this section in order to secure to the extent legally practical uniform statewide regulation of alcohol beverages in the State of Wisconsin.
- (2)
 - 2) DEFINITIONS. Unless otherwise specified in this section, the (b) definitions contained in §125.02, Wis. Stat., shall apply to this section.
- (3) LICENSES REQUIRED.
 - (a) No person shall vend, sell, deal or traffic in, or, for the purpose of evading any law or ordinance, give away any liquor or fermented malt beverages, or cause the same to be done, without having procured a license as provided in this section nor without complying with all provisions of this section, and all statutes, ordinances and regulations applicable thereto, whenever such license is required by state statute.
 - (b) A license shall be required for each stand, place, room or enclosure or for each suite of rooms or enclosures which are in direct connection or communication to each other where liquor and fermented malt beverages are kept, sold or offered for sale.
 - (c) No license shall be issued to any person for the purpose of possessing, selling or offering for sale any liquor or fermented malt beverage in any dwelling, house, flat or residential apartment, except as otherwise permitted by state statute.

(4) LICENSE APPLICATION. In addition to the license, application conditions and restrictions imposed by in §125.04, Wis. Stat., and §12.01, City Code, the following shall apply:

- (a) All statements submitted by an applicant shall be true. Any applicant who submits an untrue statement in connection with any license application under this section shall be subject to a penalty as provided in §25.04 of this Code or §125.04(3)(j), Wis. Stat. It shall be grounds for denial of a license if the applicant makes an untrue statement on any license application.
- (b) Applications for Temporary Class “B” licenses to be issued under §125.26(6), Wis. Stats. shall be filed with the City Clerk not less than 5 business days prior to the granting of the license.
- (c) All applications shall be accompanied by the appropriate fee and the cost of publication, if applicable, however no fee shall be required to be paid more than 15 days prior to the date the license is to be issued, as per §125.04(8), Wis. Stat..
- (d) As applicable, applicants shall attach a copy of their Seller’s Permit to the license application.
- (e) As a condition of granting a license, the applicant shall consent to a personal photograph and sign a waiver permitting the City to secure from the Federal Bureau of Investigation and the Wisconsin Crime Information Bureau a record check of the applicant and its officers, partners and agents. (1773 11/08/94)

(5) APPLICATION INVESTIGATION AND REVIEW.

- (a) The City Clerk shall notify the Chief of Police, the Zoning Administrator, the Building Inspector, and the Fire Inspector, or their respective designees, regarding all license applications, except operator's license applications which shall only be submitted to the Chief of Police. These officials shall cause an investigation to be made to determine whether the applicant and/or the premises sought to be licensed comply with the regulations, ordinances and laws applicable thereto. These officials shall furnish to the City Clerk the information derived from such investigation.
- (b) The City Clerk shall review and consider said reports and shall apply the licensing standards set forth in this section and in Ch. 125 Wis. Stats., and if the City Clerk finds that there is no reasonable basis for denying the license applied for, he/she shall recommend the issuance of the license to the Administrative Committee, who shall then make a recommendation to the Common Council.
- (c) If the City Clerk determines that there is any reasonable basis for denying a license, he/she shall file his/her report and recommendations with the Administrative Committee. The Administrative Committee shall review and consider all reports filed with the Committee and shall file its report and recommendations with the Common Council, including any additional conditions or requirements that the Committee finds are necessary to fulfill the

purpose and intent of this section. After reviewing the application and the reports referred to it by the Administrative Committee, the Council shall grant or deny the issuance of the license.

- (e) Any person objecting to the granting of any license under this section shall file his/her objections and the basis therefore in writing with the City Clerk within 3 business days after the date of the last publication date of the legal notice published in the City newspaper pursuant to §125.04 Wis. Stats., or if the publication of a legal notice is not required, then any objections shall be filed within 3 business days of the filing of the application with the City Clerk.
- (f) It shall be the duty of the City Clerk whenever an alcohol beverage license shall have been granted by Common Council, and the applicant shall have produced and filed with the City Clerk, proof of the satisfaction of any conditions or requirements imposed as a condition of granting the license and a receipt showing payment of any sums required for such license to issue to such applicant a license in accordance with the provisions of this section and of the laws of the State of Wisconsin. (1773 11/08/94, 2116 04/15/03)
- (i) Provisional Operator's License. – A provisional operator's license shall be issued by the City Clerk or his/her designee pursuant to §125.17(5)(1)(a), Wis. Stats., and consistent with the regulations of §125.17(5), Wis. Stat. regarding Provisional Operator's Licenses.
- (6) LICENSE FEES. The fees for issuance of fermented malt beverage and intoxicating liquor licenses shall be as set forth in the City's Official Fee Schedule.
- (7) OPERATOR'S LICENSE. Applications for operator's license shall be reviewed and considered in accordance with Subs. (4) above. A regular operator's license shall be valid for a period of not more two years and shall expire on June 30. A conditional operator's license issued pursuant to the Current Standards Regarding Issuance of Bartender's Licenses established by the Common Council shall be valid for a period of one year and shall expire on June 30. All applications shall be filed on or before June 15, provided that nothing shall prevent the Council from granting any licenses that are applied for at any other time for a fraction of the license period if the required license fee is paid. (1773 11/08/94, 2096 09/24/02)
- (8) QUALIFICATIONS FOR LICENSES. The City incorporates the qualifications and eligibility criteria for li
- (9) LIQUOR LICENSE QUOTAS.
 - (a) "Class B" Liquor License Quota. The number of retail "Class B" liquor licenses issued under this section is limited as provided in §125.51(4), Wis. Stats.
 - (b) "Class A" Liquor License Quota. The number of "Class A" liquor licenses issued under this section is limited to one license for each 1,500 population of the City.

- (10) **LICENSE CONDITIONS AND RESTRICTIONS.** In addition to the conditions and restrictions imposed by State law on the granting of a retail “Class A,” “Class B,” Class “B”, Class “A”, or “Class C” alcohol beverage license, the following conditions and restrictions shall apply: (1970 04/21/99)
- (a) Consent to Inspection of Premises. It shall be a condition of any license issued hereunder that the licensed premises may be entered and inspected at any reasonable hour by any police officer of the City without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. If such inspection is denied, such denial shall be deemed a violation of this section.
 - (b) Violation by Agents or Employees. A violation of this section by a duly authorized agent or employee of a licensee shall constitute a violation of the licensee.
 - (c) Sales to Underage Persons Prohibited. No alcohol beverages shall be sold, dispensed, given away or furnished to any underage person unless accompanied by a parent, guardian or spouse who has attained the legal drinking age.
 - (d) Sales by Clubs. No club licensed under §125.51(3)(e), Wis. Stats., shall sell alcohol beverages except to members and guests invited by members.
 - e) Cessation of Operations. If any licensee shall suspend or cease doing business for 6 consecutive months or more, his "Class A" retail liquor license or his "Class B" intoxicating liquor license or his Class "B" fermented malt beverage license shall be subject to revocation by the Council after a public hearing. The Council may, for a good cause shown, extend such 6-month period.
 - (f) Transfer of License. No license shall be transferable from person to person except as provided by §125.04(12)(b), Wis. Stats., or from place to place, except as provided in §125.04(12)(a), Wis. Stats.
 - (g) Location of Premises Restricted. No “Class A” or “Class B” license shall be issued for premises, the main entrance of which is less than 300 feet from the main entrance of any established public school, parochial school, hospital or church. Such distance shall be measured by the shortest route along the highway from the closest point of the main entrance of such school, church or hospital to the main entrance to such premises. This paragraph shall not apply to premises licensed prior to June 30, 1947, or licensed prior to the location of the institutions enumerated above.
 - (h) Safety and Health Requirements. No “Class B” license shall be issued unless the premises to be licensed conform to the sanitary, safety and health requirements of the State Building Code, the State Plumbing Code and the rules and regulations of the State Department of Health and Social Services applicable to restaurants, and also conform to all ordinances and regulations of the City.

- (i) Employment of Underage Persons. No “Class B” licensee shall employ any underage person, but this shall not apply to hotels, restaurants or grocery stores.
- (j) Clear View of Premises Required. No premises licensed for sale of alcohol beverages shall permit the view of the interior to be substantially obstructed from the street or sidewalk by the use of curtains, blinds, screens, posters, advertising signage, lighting, or in any other manner. The premises shall be properly and adequately lighted during the hours in which the sale of alcohol beverages is permitted. (2232 08/08/2006)
- (k) Disorderly Conduct and Gambling Prohibited. Each licensed premises shall at all times be conducted in an orderly manner and no disorderly, riotous or indecent conduct or gambling shall be allowed at any time on any licensed premises.
- (l) Wearing Apparel. All persons involved in the operation of any licensed premises under this section, whether as licensee, member of the immediate family of the licensee, licensed operator, unlicensed operator under the supervision of the licensee or licensed operator, waiter, waitress, entertainer, dancer or any other employee, shall observe the following applicable minimum standards for such licensed premises:

The costume, uniform or attire of any female shall be of nontransparent material and must completely cover the breasts below the top of the areola at all times. The lower portion of such costume, uniform or attire must be of nontransparent material and completely cover the person’s pubic genitals and the buttocks at all times.

- 2. The costume, uniform or attire of any male shall be of nontransparent material and must completely cover the pubis area, genitals and buttocks at all times.

- (m) Nude Dancing in Licensed Establishments Prohibited. (1970 04/21/99)

It shall be unlawful for any person to perform or engage in, or for any licensee or manager or agent of a licensee to permit any person, employee, entertainer or patron to perform or engage in any live act, demonstration, dance or exhibition on the premises of a licensed establishment which:

- i. Shows his or her genitals, pubic area, vulva, anus, anal clef or cleavage with less than a fully opaque covering; and/or
- ii. Shows any portion of the female breasts below a point immediately above the top of the areola; and/or
- iii. Shows the covered male genitals in a discernible turgid state.

- 2. The provisions of this subsection do not apply to the following licensed establishments: theaters, performing art centers, civic centers, and dinner theaters where live dance, ballet, music and dramatic performances of serious artistic merit are offered on a regular basis and in which the predominant business or attraction is not the offering to customers of entertainment which is intended to provide sexual stimulation or sexual gratification to such customers and where the establishment is

not distinguished by an emphasis on, or the advertising or promotion of, employees engaging in nude erotic dancing.

3. For the purposes of this subsection, the term “Licensed Establishment” means any establishment licensed by the Common Council of the City of Baraboo to sell alcohol beverages pursuant to Ch. 125, Wis. Stats., and the term “Licensee” means the holder of a retail “Class A”, “Class B”, Class “B”, Class “A” or “Class C” license granted by the Common Council of the City of Baraboo pursuant to Ch. 125, Wis. Stats.
- (n) Posting of Licenses Required. Licenses or permits issued under this section shall be posted and displayed as provided in §15.04(10), Wis. Stats., and any licensee or permittee who shall fail to post his license or permit as therein required shall be presumed to be operating without a license.
 - (o) Loud Noise Prohibited. No licensee shall permit or allow the use or operation of sound amplifying equipment on the licensed premises in such manner that the sound emanating from said equipment through any open window, open doorway or other opening of the licensed premises is unreasonably loud so as to disturb the peace and quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.
 - (p) Leaving Premises With Open Container Prohibited. No licensee shall permit or allow any person to leave the licensed premises with an open container that contains any alcohol beverage.
 - (q) Premises to be Promptly Vacated at Closing Hour. No alcoholic beverage shall be sold or consumed upon any licensed premises after the official closing hour for said licensed premises, and said premises shall be promptly vacated at such closing hour by all persons except the owner and regular employees of the licensed premises except that a licensed premises whose principal business is the furnishing of some other commodity or service may remain open after the official closing hour solely for the furnishing of such other commodity or services, provided that all alcoholic beverages contained in such premises be placed in padlocked cases promptly at the closing hour and shall be kept padlocked during official closed hours. (1493 02/23/88)
 - (r) Unlawful to Deliver Off Premises. (1629 11/12/91) No retail alcohol beverage licensee or permittee shall deliver any alcohol beverage to the purchaser thereof at any location other than on the licensed premises, where “deliver” means the actual transfer of physical possession.
 - (s) Compliance with Code. No new or renewal licenses shall be issued for any premises with an outstanding violation of any applicable building, plumbing or electrical code or of any code relating to fire hazards or the prevention of fires. If any such violation exists, it shall be cause for withholding the license or renewal thereof until the necessary corrections have

been made and certified by the building inspector or the fire chief and if such violations are not corrected within a reasonable time, the license may be denied. (1714 12/22/93)

- (t) Assignment of Vacant or Surrendered Alcohol Licenses. The City of Baraboo shall use the following criteria and priority for the assignment of alcohol licenses that become vacant, are surrendered, or unused:

1. In circumstances in which an alcohol license is surrendered, but where the premises are sold, leased, or will otherwise be used by a new business owner, the new business owner shall have first claim upon the surrendered license, regardless of whether there are other pending applications for an alcohol license.

2. In circumstances in which an alcohol license is vacant or surrendered, and the premises will not be used by a new business owner, the following criteria shall be applied:
- i. If there are issued reserve licenses, the regular license shall be offered first to the owner of the oldest reserve license. If the license is not claimed, it shall then be offered to the next oldest reserve license, and so on, for as many reserve licenses as may be outstanding.
 - ii. If the City holds only one remaining license (regular or reserve), such license shall only be assigned after review by the Administrative Committee and approval of the Council. (2439 01/26/16)

- (11) **CLOSING HOURS.** No premises for which an alcohol beverage license has been issued shall remain open for the sale of alcohol beverages, as follows:

- (a) Wholesale License. Between 5:00 P.M. and 8:00 A.M., except Saturdays when the closing hour shall be 9:00 P.M.
- (b) Retail Class B Licenses. For consumption on the premises where sold, between the hours of 2:00 a.m. and 6:00 a.m. except on Saturday and Sunday, the closing hours shall be between 2:30 a.m. and 6:00 a.m.; on January 1, there are no closing hours. Between the hours of 12:00 midnight and 8:00 a.m. daily, no person may sell any packaged fermented malt beverage in the original package for consumption off the premises. Between the hours of 9:00 p.m. and 8:00 a.m. daily, no person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises. (1499 03/22/88, 1514 05/24/88)
- (c) Reserved. (Repealed by Ord. 1500 03/22/88)
- (d) Hotels and Restaurants. Hotels and restaurants, the principal business of which is the furnishing of food and/or lodging to patrons, and bowling alleys and golf courses, shall be permitted to remain open after closing hours for the conduct of regular business, but shall not sell intoxicating liquors or malt beverages during the closing hours stated in par. (c) above.
- (e) Presence on Premises After Closing Hour Restricted.

1. Any person who is not an employee of the licensee who remains on the premises after the designated closing hour is subject to the penalties as provided in this chapter.
 2. Any person, including, but not limited to, employees, licensees, owners or agents of a premises for which an alcohol beverage license has been issued, while on the licensed premises after closing, must be actively engaged in bona fide business activities and shall not consume alcohol beverages. (1864 04/16/96)
- (f) Hours of Sale for Retail "Class A" Intoxicating Liquor License. No person may sell any intoxicating liquor or wine in the original package or container for consumption off the premises between the hours of 9:00 p.m. and 6:00 a.m. daily.
- (g) Hours of Sale for Retail "Class A" Fermented Malt Beverage License. No person may sell any packaged fermented malt beverage in the original package for consumption off the premises between 12:00 midnight and 6:00 a.m. daily.
- 12) SALE OF INTOXICATING LIQUOR, FERMENTED MALT BEVERAGES AND WINE IN ORIGINAL PACKAGE. (1515 05/24/88; 2373 01/24/2012) (a) Pursuant to §125.51(3)(b), Wis. Stats., no person may sell intoxicating liquor in an original unopened package, container or bottle for consumption away from the premises in excess of 4 liters at any one time on any premises for which any "Class B" intoxicating liquor license or Class "B" fermented malt beverage license has been issued. However, packaged goods sales of fermented malt beverages and wine from such premises may be made in any quantity.
- (12M) ONLINE ORDERING AND CURBSIDE PICKUP OF ALCOHOL BEVERAGES. (XXXX XX/XX/19)
- (a) No establishment shall allow the online purchase of alcohol beverages and curbside delivery of such purchases ("Click and Collect"), without first obtaining permission for an "Extension of Premises" from the Common Council, upon recommendation of the Administrative Committee, to license that portion of the establishment's parking lot that will allow vehicles to park for purposes of picking up their online order.
1. The licensed establishment shall file a detailed operation plan with the City's "Extension of Premises" form that clearly details how their "Click and Collect" operation will function. The operation plan shall include the licensee's protocol for assuring that underage persons and intoxicated persons do not pick up alcohol via the "Click and Collect" program.
 2. Failure of the licensee to provide a detailed operation plan with their "Extension of Premises" application shall result in the City Clerk not forwarding the "Extension of Premises" form to the Administrative Committee for consideration.

- (b) No establishment holding an alcohol beverage license shall allow online purchase and pick-up of alcohol beverages unless the sale is consummated on the licensed premises.
 - 1. Payment for the purchase must be completed on the premises and may not be completed until the purchaser is at the licensed premises and has presented valid photo identification that has been verified by a licensed operator employed by the premises.
 - 2. The licensed operator must verify that the person placing the “Click and Collect” order is the same person picking up the order.
 - 3. The sale and delivery of “Click and Collect” purchases shall be made only by a licensed operator.
 - 4. No alcohol sales are permitted if the purchaser fails to present valid photo identification.
 - 5. The “Click and Collect” system must allow the purchase of alcohol to be denied without affecting the remainder of the purchase.
- (c) Each “Click and Collect” transaction must capture and retain an image of the vehicle into which the order is being loaded for thirty (30) days.
- (d) Each “Click and Collect” transaction must record and retain the following information for thirty (30) days:
 - 1. The name of the purchaser.
 - 2. The type of identification card presented and the number and expiration date of that identification card.
 - 3. The purchaser’s date of birth.
 - 4. The license plate of the vehicle into which the order is being loaded.
- (e) Pick-up of “Click and Collect” orders shall be between the hours of 8:00 a.m. and 8:00 p.m.
- (f) There shall be a minimum four (4) hour waiting period between order time and pick-up time.
- (g) Orders placed after 4:00 p.m. cannot be picked up until the following day.

- (h) If the “Click and Collect” purchaser is not the driver of the vehicle into which the order is being loaded, the licensed operator must verify that the driver is 21 years of age or older.
 - (i) The licensed operator shall report to his or her manager any purchaser who shows signs of alcohol consumption, and in conjunction with the manager, shall assess sobriety for purposes of approving or denying the sale.
 - (j) The pick-up area for “Click and Collect” purchases shall be clearly defined with visible markings, signs, and/or barriers.
 - (k) The pick-up area for “Click and Collect” purchases shall be equipped with a fully functioning video surveillance system. The system shall record all transactions occurring in the pick-up area that involve alcohol sales. The licensee shall retain all video recordings for no less than sixty (60) calendar days.
 - (l) No events other than the delivery of “Click and Collect” orders shall be allowed on the expanded premises.
- (13) OUTDOOR ALCOHOL IN B-1 CENTRAL BUSINESS DISTRICTS. (2423 10/14/2014) The sale and consumption of alcohol outdoors in the B-1 Central Business District shall comply fully with the requirements of this section. All outdoor licensed premises must be applied for and approved as licensed premises.
- (a) Sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise upon the sidewalk shall be regulated by the requirements of this section.
 - 1. Use of the sidewalk shall comply with the requirements of §8.04, Ordinances, related to sidewalk use permits. The sidewalk premise must be contiguous to the licensed premise. An unimpeded minimum clearance of four (4') feet shall be maintained for pedestrian traffic upon the sidewalk.
 - 2. The sidewalk shall be an approved premise for the licensee.
 - 3. Alcohol shall only be served to patrons who are seated at tables. Customers shall not be allowed to congregate or stand, regardless of whether they are consuming alcohol.
 - 4. Alcohol shall only be served to patrons in conjunction with an order of food.
 - 5. The sidewalk use area shall be vacated by 10:00 PM.
 - 6. No amplification of sound is allowed in the sidewalk area.

- (b) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be an approved premise for the licensee.
2. The approved premises shall be contiguous to the indoor premises.
3. The outdoor premise must be surrounded by a solid (so as to restrict the passing of alcohol outside the fence and to limit noise) structure fence six feet in height. Entry to the outdoor premise shall be restricted to entry from the building and not from a public way. However, for premises contiguous with the Baraboo River, only a three foot fence shall be required.
4. The outdoor premises shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.
5. All outdoor licensed premises shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.
6. The outdoor licensed premises shall only be used for serving food and permitted alcohol beverages and no part of said area shall be used for recreational activities, such as, for example, volleyball, horseshoes, darts, softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted.
7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down-directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

- (13M) **OUTDOOR ALCOHOL IN B-3 HIGHWAY ORIENTED BUSINESS DISTRICTS.**
(2489 04/24/2018) The sale and consumption of alcohol outdoors in the B-3 Highway Oriented Business District shall comply fully with the requirements of this section.

- (a) Sidewalk sale and consumption. The sale and consumption of alcohol beverages upon the sidewalk is prohibited.
- (b) Non-sidewalk sale and consumption. The sale and consumption of alcohol by a licensed premise in an outdoor area not a sidewalk shall be regulated by the requirements of this section.

1. The outdoor area shall be described in detail on the license application and must be on the same lot as the licensed indoor premises. Alcohol possession and consumption in any area of not described in detail on the license application is strictly prohibited.

2. The outdoor area must be surrounded by a fence which is (a) a minimum of three feet in height, (b) a minimum of 50 percent opaque (meaning the spaces between the pickets are equal to or less than the width of the pickets), and (c) maintained in a structurally sound and attractive manner.
3. Entry to the outdoor area shall be restricted to entry from the same lot as the licensed indoor premises and not from a public way.
4. The outdoor area shall be promptly vacated no later than 10:00 PM by all customers and patrons, except the owner and regular employees of the licensed premises and then only for the purpose of cleaning up.
5. The outdoor area shall comply with all fire regulations including emergency exits and be subject to inspection by the Fire Inspector.
6. The outdoor area may be used for recreational activities, such as, for example, volleyball, horseshoes, darts, and softball. No music shall be broadcast directly into the outdoor area by means of outdoor speakers or jukeboxes, nor shall live music be permitted, except with a special permit. However, no recreational activities shall be allowed on parcels that are contiguous with a residential zoning district. For purposes of determining contiguity, any parcel used by, or serving the business, including parking, shall be considered a portion of the licensed business.
7. Lighting of the outdoor area shall not be of such intensity or brilliance as to be a hazard or dangerous distraction to vehicular traffic. All lighting for the outdoor premises shall be down directed lighting and shall comply with the requirements of §17.47(3)(c)14, Ordinances.

(c) Outdoor Musical Entertainment Permit. Entertainment in an outdoor licensed premise shall be allowed by special permit based upon the following requirements:

1. Musical Entertainment shall be allowed no more than four times per calendar year.
2. The requirements of subsection (c), supra, are met. However, amplification of voices and instruments shall be allowed so long as the entertainment does not violate §9.06(2), Ordinances, Loud and Unnecessary Noise.
3. All permits for Musical Entertainment shall be approved by the Chief of Police, who, in consultation with the Fire Inspector, may set additional specific requirements to be met prior to the issuance of a permit. Such restrictions shall be reasonably based upon the size of the premises, and the location of the premises in proximity to residential property.

(14) UNDERAGE PERSON; PRESENCE IN PLACES OF SALE. Pursuant to §125.07(3), Wis. Stats., an underage person not accompanied by his parent, guardian or spouse who has attained the legal drinking age may not enter or be on any premise for which a license or

permit for the retail sale of alcohol beverages has been issued, for any purpose except as permitted by §125.07(3)(a)1-16, Wis. Stat.

- (15) UNDERAGE PERSON; CONSUMPTION AND POSSESSION OF ALCOHOL BEVERAGES. Pursuant to §125.07(4)(b), except as provided by §125.07(4)(bm), Wis. Stats., no underage person not accompanied by a parent, guardian or spouse who has attained the legal drinking age may knowingly possess or consume alcohol beverages.
- (e) (16) REVOCATION OR SUSPENSION OF LICENSE. (2311 07/28/2009) The provisions of §125.12, Wis. Stats., shall be applicable to proceedings for revocation or suspension of licenses granted under this section, in addition to the following provisions:
- (a) Summons. Upon the filing of the complaint, the Administrative Committee shall issue a summons, signed by the City Clerk and directed to any peace officer in the municipality. The summons shall command the licensee complained of to appear before the Committee on a day and time and at a place named in the summons, not less than three (3) days and not more than ten (10) days from the date of issuance, and show cause why the license should not be revoked or suspended. The summons and a copy of the complaint shall be served on the licensee at least three (3) days before the time at which the licensee is commanded to appear. Service shall be in the manner provided under Ch. 801, Wis. Stats., for service in civil actions in circuit court.
- (b) Procedure on Hearing.
1. If the licensee does not appear as required by the summons, the allegations of the complaint shall be taken as true and if the Committee finds the allegations sufficient, the license shall be revoked. The Clerk shall give notice of the revocation to the person whose license is revoked.
 2. The Administrative Committee shall serve as the hearing agency for the Common Council. The chair of the Committee or the chair's designee shall conduct the hearing, administer oaths to all witnesses and may issue subpoenas. So far as practicable, the rules of evidence provided in §227.45, Wis. Stats., shall be followed. The complainant shall have the burden of proving the charges by a preponderance of the evidence.
 3. If the licensee appears as required by the summons and denies the complaint, both the complainant and the licensee may produce witnesses, cross-examine witnesses and be represented by counsel. The licensee shall be provided a written transcript of the hearing at his or her expense. All proceedings and testimony shall be recorded on tape and transcribed unless waived by both the complainant and licensee. If either party requests a stenographic recording and transcription, City staff shall make the necessary arrangements, but the expense shall be borne by the requesting party. The City Clerk shall mark and receive all exhibits admitted into the record.
 4. Within twenty (20) days of the completion of the hearing, the Committee shall submit a report to the Common Council, including findings of fact, conclusions of

law and a recommendation as to what action, if any, the Common Council should take with respect to the license. The Committee shall provide the complainant and the licensee with a copy of the report. Either the complainant or the licensee may file an objection to the report and shall have the opportunity to present arguments supporting the objection to the Common Council. The Common Council shall determine whether the arguments shall be represented orally or in writing or both.

5. If the Common Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to a report recommending suspension or revocation, the license shall be suspended or revoked as provided below. If the Common Council rejects or modifies the report, the Common Council shall adopt appropriate findings of fact and conclusions of law. If the recommendation of the Administrative Committee is based upon a stipulation of the parties, the Common Council may accept or reject the recommendation by a simple majority vote. If the Common Council rejects the recommendation, the matter shall be referred back to the Committee for a full fact-finding hearing. If the recommendation is based upon a full fact-finding hearing, the recommendation shall become the decision of the Common Council unless reversed or modified by a simple majority vote. No further evidence shall be allowed before the Common Council.
6. If the City Council, after considering the Committee's report and any arguments presented by the complainant or the licensee, finds the complaint to be true, or if there is no objection to the report recommending suspension or revocation, the license shall be suspended for not less than three (3) days nor more than ninety (90) days or revoked, except that, if a complaint under §125.12(2)(ag)4, Stats., is found to be true the license shall be revoked.
7. The decision of the Common Council shall be a final determination for purposes of judicial review. If the complaint is found to be true, the licensee shall pay to the City the actual cost of the proceedings.
8. The City Clerk shall give notice of each suspension or revocation to the person whose license is suspended or revoked.
9. If the Common Council finds the complaint untrue, the proceeding shall be dismissed without cost to the accused. If the Common Council finds the complaint to be malicious and without probable cause, the costs shall be paid by the complainant. The Common Council or committee may require the complainant to provide security for such costs before issuing the summons under §3125.12(2)(ar). (§125.12(2)(b)4, Stats.)

(c) Effect of Revocation. See §125.12(2)(c), Wis. Stat.

(d) Judicial Review. See §125.12(2)(d) Stats.

- (e) Nonrenewal of License. The Police Chief may, after investigation, commence an action before the Administrative Committee to hear evidence and make a recommendation to the Common Council that a license issued pursuant to this chapter not be renewed. The Chairperson shall, in writing, notify the licensee of the consideration of nonrenewal. Such notification shall be in the form of and shall serve as the summons and complaint and shall include a statement of the reasons for the consideration of the nonrenewal of the license in the same specificity required for a summons and complaint for revocation or suspension. If the license is recommended for nonrenewal, costs may be assessed against the licensee and any renewal application fee shall be forfeited. In all other respects, the provisions of Subdivisions (c) and (d) shall apply.
- (f) Other Provisions. Any license issued pursuant to Chapter 12 of the Baraboo Code of Ordinances shall be subject to such further regulations and restrictions as may be imposed by the Common Council of the City of Baraboo by amendment to this section or by the enactment of new ordinances. If any licensee shall fail or neglect to meet the requirements imposed by such new restrictions and regulations her/his license may be revoked in accordance with this section. In case of revocation of any license or any violation of any provision of this ordinance in accordance with this section or by the court or for any reasonable cause except the imposition of new restrictions, no refund shall be made of any part of the license fee.
- (g) Joint Values for Alcohol Beverage Violations and Revocations and Suspensions. Point Schedule. A demerit point system shall be used to identify habitually troublesome license holders who have repeatedly violated state statutes and Baraboo Ordinances, for the purpose of recommending suspension or revocation of their alcohol beverage licenses. The scale of demerit points is listed according to the type of alcohol beverage violation.
1. Violations, How Calculated. In determining the accumulated demerit points against a license within twelve (12) months, the City shall use the date each violation was committed as the basis for the determination.
 2. Formal Expression of Concern. In those instances in which a licensee has accumulated four (4) demerit points in a 12-month period as determined by the Police Chief, the Committee shall call before it the licensee for purposes of a formal expression of concern. If the licensee appears, no discussion of the alleged facts underlying the assessment of demerit points shall be permitted unless the licensee requests such discussion but only if the licensee is advised that any statements made by the licensee and/or her/his representatives regarding the alleged facts may be considered by the Committee in any subsequent suspension/revocation hearing which may result from the alleged violations which are the subject of the formal expression of concern.
 3. Suspension or Revocation of License. The Administrative Committee shall call before it for purposes of a revocation or suspension hearing all licensees who have accumulated seven (7) points in a twelve-month period as a result of court

imposed convictions or who have had referred to it reports from the Police Chief which, if believed, would result in seven (7) demerit points in twelve (12) months.

- i. If the demerit point accumulation, calculated from the date of violation, meets or exceeds seven (7) points in a 12-month period, the Committee may suspend the license. If suspended, the suspension shall be for not less than three (3) days or more than ninety (90).
 - ii. If the demerit point accumulation, calculated from the date of violation, meets or exceeds 10 points in a 12-month period, the Committee may revoke the license. If the license is revoked, no other license shall be granted to such licensee for a period of twelve (12) months from the date of revocation.
4. Severability. The several terms and provisions of this section shall be deemed severable, and if any provision hereof or the application hereof to any person or circumstances is held invalid, the remainder of the section and the applicability of such provisions to other persons and circumstances shall not be affected thereby.
5. Demerit Points: The following demerit points shall be issued for the offenses as shown:

Code Section	Offense	Demerit Points
§12.02(12M)	"Click and collect" violation	2
§12.02(10)(c)	Traffic to underaged person	2
§12.02(1) adopting §125.07(2) Stat	Traffic to Intoxicated Person	2
§12.02(14)	Underaged person on premises	1
§12.02(10)(n)	Failure to post license	1
§12.02(10)(a)	Failure to allow premises inspection	2
§12.02(10)(o)	Noise violations	1
§12.02(11)(b)	Sales/dispense after hours	1
§12.02(10)(q)	Open after hours	1
§12.02(10)(p)	Leaving with open container	1
§12.02(10)(k)	Gambling	1
§12.02(10)(j)	Unobstructed view violation	1
§12.02(10)(l)	Improper wearing apparel	2
§12.02(1) adopting §125.68(2) Stat	No licensed bartender on premises	2
§12.02(10)(k)	Disorderly Conduct	½
§12.02(8)(c)	No licensed agent	2
	Any other offense under Ch. 125 Statutes or Ch. 12, B Baraboo Ordinances	1

- (17) NONRENEWAL OF LICENSE. Before renewal of any license issued under this section is refused, the licensee shall be given written notice of any charges or violations or the reasons proposed for non-renewal and a copy of any proposed motion for non-renewal and shall have an opportunity to be heard before the Council.

- 18) prior to the date of filing application for the Class "B" license or permit. RESERVED.
- (19) ENFORCEMENT. Any person violating any provision of this section shall be subject to a penalty as provided in §25.04 of this code. Nothing in this sub-section shall in any way diminish the authority of the Common Council to suspend, revoke, or non-renew any license issued pursuant to this section for any violation of this section or grounds enumerated in this section or in Ch. 125 of Wisconsin Statutes. (2166 11/26/04)

Moved by Sloan, seconded by Wedekind and carried unanimously to approve the 1st reading of **Ordinance No. 2525** amending Section 1.60 of the Baraboo Municipal Code as follows:

- 1.60 **PUBLIC RECORDS RETENTION ORDINANCE.** (1818 06/27/95 - Certified copy of Ord. sent to Wis. Public Records and Forms Board on 07/10/95, XXXX XX/XX/19)
- (1) PURPOSE. The purpose of this Ordinance is to adopt the Wisconsin Municipal Records Schedule and to authorize destruction of City records pursuant to the Schedule. Legal custodians may destroy a record prior to the time set forth in the Schedule only if such record has been photographically reproduced as an original record or converted to optical disc or electronic format pursuant to §16.61(5) Wis. Stats. Any record not covered by this ordinance or by any State Statute or administrative regulation shall be retained seven (7) years.
- (2) DEFINITIONS.
- (a) "Legal Custodian" means the person responsible for maintaining records pursuant to §19.33 Wis. Stats.
- (b) "Record" has the meaning defined in §19.32(2), Wis. Stats.
- (c) "Wisconsin Municipal Records Schedule" or "Schedule" means the General Records Schedule for Wisconsin Municipal and Related Records approved by the Public Records Board on August 27, 2018, and which may be amended and updated by the Public Records Board from time to time.
- 3) WISCONSIN MUNICIPAL RECORDS SCHEDULE ADOPTED. The Wisconsin Municipal Records Schedule is hereby adopted by reference. The City Clerk shall keep a copy of the Schedule on file.
- (4) RESERVED.
- (5) WATER UTILITY RECORDS. Records of the Baraboo Water Utility shall be retained in accordance with regulations established and published by the Public Service Commission of Wisconsin. (2033 11/14/2000)
- (6) NOTICE TO STATE HISTORICAL SOCIETY REQUIRED. Unless notice is waived by the State Historical Society of Wisconsin, at least 60 days' notice shall be given by the Legal Custodian to the Society prior to the destruction of any

record as provided in §19.21(4)(a), Wis. Stats. Notice to the State Historical Society shall be required for any record not listed on the Wisconsin Municipal Records Schedule.

- 7) RESERVED.
- (8) DESTRUCTION AFTER REQUEST FOR INSPECTION. No record subject to a pending public records request may be destroyed until after the request is granted or until 60 days after the request is denied. If any action is commenced under §19.37, Wis. Stats., the requested record may not be destroyed until after a Court Order is issued and all appeals have been completed as provided in §19.35(5), Wis. Stats.
- (9) DESTRUCTION PENDING LITIGATION. No record subject to pending litigation shall be destroyed until the litigation is resolved.
- 10) RESERVED.
- (11) PUBLIC RECORDS BOARD REVIEW. The Public Records board approved the City's adoption of the Wisconsin Municipal Records Schedule on January 25, 2019, and by the Wisconsin Historical Society approved the City's adoption of the Schedule on January 30, 2019.

1. This Ordinance shall take effect upon passage and publication as provided by law.

Moved by Kolb, seconded by Plautz and carried unanimously to approve the 1st reading of **Ordinance No. 2526** creating and adopting Section 12.13(M), Regulation and Licensing of Pet Stores as follows:

§12.13(M) REGULATION AND LICENSING OF PET STORES. (XXXX, 7/9/19)

- (1) DEFINITIONS. As used in this Section, the following words and phrases shall have the following meanings:
 - (a) “Bait shop” means any place kept or maintained where the only animals bought, sold, exchanged or offered for sale are animals commonly used as fish bait, including, but not limited to, worms, baitfish, crickets, snails and leeches.
 - (b) “Existing pet store” means any pet store existing on the effective date of this Section.
 - (c) “Person” has the meaning found in §25.01(3), City Code.
 - (d) “Pet store” includes every place kept or maintained where any dog, cat, rabbit, rodent, insect, reptile or bird is bought, sold, exchanged, or offered for sale to the public, unless the activity occurs less than 30 days, consecutive or non-consecutive, out of any 365-day period. Excluded from this definition are bait

shops and places that buy, sell, exchange or offer for sale fish. Pet stores are allowed only in the following zoning districts: B-3 Highway-Oriented Business and I-4 Planned Industrial/Business Districts.

- (e) “USDA” means the United States Department of Agriculture.

(2) LICENSE REQUIRED.

- (a) No person shall operate a pet store unless the person holds a valid Pet Store License issued by the City Clerk.
- (b) A written application for initial and renewal licenses shall be filed with the City Clerk and must contain:
 - i. The name and address of the applicant,
 - ii. The location of the pet store, and
 - iii. Other information as may be lawfully required by the Clerk.
- (c) New and renewal license applications shall be reviewed by the City Clerk, Chief of Police, City Humane Officer and City Zoning Administrator or their respective designees. Licenses will be denied:
 - i. If the location of the pet store is not within a permitted zoning district,
 - ii. If the applicant has a conviction for animal abuse, neglect or cruelty, or for an offense under Ch. 951, Wis. Stat., or any comparable state or federal law,
 - iii. If City Humane Officer is not permitted by the applicant to inspect the premises to ensure compliance with this ordinance,
 - iv. If the City Humane Officer finds that the premises is not in conformity with this ordinance, and/or
 - v. Pursuant to §12.01(11), City Code.
- (d) The license term shall be from July 1 to June 30. Licensees may apply for a renewal license no sooner than three months prior to the license expiration date and no later than five days prior to the license expiration date.
- (e) The license fee shall be as stated in the Official Fee Schedule for the City of Baraboo. Payment of the fee is required prior to the City’s review of the application. Refunds and prorated fees are not be permitted.
- (f) Existing pet stores shall have 60 days after the date that this law has been passed to apply for a license.

(3) OPERATIONS.

- (a) Pet stores are prohibited from buying, selling, exchanging or offering for sale, adoption or gift any animal other than dogs, cats, rabbits, rodents, insects, reptiles, birds and fish, and are further prohibited owning, keeping, maintaining, harboring or having possession or control of any prohibited animal as per §9.10, City Code

- (b) Pet stores shall be operated in accordance with the requirements set forth in §12.13, City Code, and shall at all times be maintained in a clean and sanitary manner including the animals having at all times adequate food, water, bedding, light and ventilation.
- (c) Every person keeping or maintaining a pet store shall do so entirely within an enclosed building and shall not keep or maintain any outside kennel service.
- (d) All animals shall be displayed in a healthy condition or, if ill, removed from display and given appropriate treatment.
- (e) Pet stores shall ensure that all dogs and cats they obtain are from dealers properly licensed by the USDA, when applicable, and must keep a copy of the dealer's federal identification number for a minimum of two years after the pet store receives the dog or cat.
- (f) Pet stores shall deliver in writing to the recipient of a dog or cat at the time of the exchange the following information:
 - i. The breeder's name and address and, if the person is a dealer licensed by the USDA, the dealer's name, address and federal dealer identification number.
 - ii. The date of the dog or cat's birth and the date the pet store received the dog or cat.
 - iii. The breed, sex, color and identifying marks of the dog or cat.
 - iv. A record of each inoculation and worming treatment administered, if any, to the dog or cat, including the date of administration and the type of vaccine or worming treatment.
 - v. A record of veterinarian treatment or medication received by the dog or cat while in the possession of the pet store.
 - vi. A document signed by a veterinarian licensed in the State of Wisconsin stating (a) that the dog or cat has no known disease or illness, and that the dog or cat has no known congenital or hereditary condition that adversely affects the health of the dog or cat at the time of the exchange or that is likely to adversely affect the health of the dog or cat in the future; or (b) describing any known disease, illness, or congenital or hereditary condition that adversely affects the health of the dog or cat, or that is likely to adversely affect the health of the dog or cat in the future.
- (g) Pet stores shall retain a copy of all records required herein for a period not less than two years after the sale or exchange of a live animal and shall make the copy available for inspection by a humane officer or law enforcement officer during business hours.
- (f) Every person keeping, maintaining or working in or for a pet store is prohibited from selling, exchanging or offering for sale, adoption or as a gift any animal to any person if the person reasonably believes that the animal will be used for any unlawful purpose including, but not limited, to dog fighting.

(4) **SUSPENSION AND REVOCATION OF LICENSE.**

(a) If a licensee or pet store has two violations of this ordinance within any 12-month period, or five violations within any 36-month period, or if the licensee is convicted of an offense under Ch. 951, Wis. Stats., or any comparable statute or code, the City Clerk shall revoke the license 10-business days after the service of a Notice of Revocation on the licensee by the City Clerk.

i. The Notice of Revocation shall be deemed served on the day of mailing when sent by certified mail or if personally served. Service shall be made to the licensee at the address provided by the licensee on the license application.

ii. The licensee may appeal the revocation by providing the City Clerk a notice of appeal on or before the date of revocation; the revocation shall be stayed pending the outcome of the appeal. The Administrative Committee shall hear the appeal at their next regularly scheduled meeting, or may call a special meeting, and make a final determination on the revocation based on whether there are clear and convincing violations of this ordinance and/or convictions as required herein.

iii. For purposes of this section, a “violation” need not have resulted in a conviction so long as the City Humane Officer or designee is able to reasonably articulate and provide clear and convincing evidence, of which testimony may suffice, of said violation.

(b) A license may be suspended or revoked in accordance with §12.01(10), City Code.

(5) **DENIALS AND NON-RENEWALS.** The denial or revocation of a license shall not preclude an applicant from applying for a license at any time in the future, although no applicant may apply more than twice during any 12-month period.

2. The Appendix to Chapter 1 of the Baraboo Municipal Code, the City’s Official Fee Schedule, be amended as follows:

CLERK FEES:

<u>Pet Store License</u>		
Initial	\$75.00	Ord. XXXX, 7/9/19
Renewal	\$75.00	

3. This Ordinance shall take effect upon passage and publication as provided by law.

COMMITTEE OF THE WHOLE

Moved by Ellington, seconded by Petty to convene as a Committee of the Whole to review

and discuss Baraboo Area District Ambulance financial status.

EMS Chief Sechler provided the Council with information regarding the current financial status to include the follow-up to unpaid accounts, using internal funds vs obtaining a line of credit, the tax levy, the current reimbursement rates for Medicaid and Medicare recipients, and the advantage to offering transfers.

Ald. Wedekind questioned the turnaround time for payments from Medicaid and Medicare. Chief Sechler noted that a clean claim with no rejections is paid within 2 weeks. Ald. Wedekind also questioned how much money is uncollected as of today. Chief Sechler advised that there is currently between 1.2 and 1.5 Million in accounts receivable; they are expecting to collect half of this amount.

Ald. Plautz noted the response to 911 calls within the City of Baraboo account for about 71%. The surrounding municipalities account for the difference, which leaves a lot to makeup.

Ald. Sloan noted that uncollectable accounts increase slightly every year.

Ald. Petty noted that the ambulance provides services that don't cost such as stand-by for Fire. It's important that they be at those calls.

Mayor Palm questioned the timeframe for getting a bill out the door. Chief Sechler noted that the average time for invoicing is 14-days.

The Ambulance will provide information regarding their current cash situation at a future meeting with City Staff.

Moved by Sloan, seconded by Petty to reconvene into regular session.

ADMINISTRATOR AND COUNCIL COMMENTS – None.

REPORTS, PETITIONS, AND CORRESPONDENCE

The City officially acknowledges receipt and distribution of the following:

- Reports: June 2019 Building Inspection
- Minutes from the Following Meetings:
-

Finance/Personnel Committee – Dennis Thurow Committee Room, #205

June 25, 2019

Members Present: Petty, Thurow, Sloan

Absent:

Others Present: Mayor Palm, E. Truman, B. Zeman, C. Haggard

Call to Order –Ald. Petty called the meeting to order at 6:30 p.m. noting compliance with the Open Meeting Law. Moved by Sloan, seconded by Thurow to approve the minutes of June 11, 2019 and carried unanimously. Moved by Sloan, seconded by Thurow to approve the agenda. Motion carried unanimously.

Action Items

- a) **Accounts Payable** – Moved by Sloan seconded by Thurow to recommend to Council for approval of the accounts payable for **\$219,854.23**. Motion carried unanimously.
- b) **Writing off Uncollectible Accounts** - The committee reviewed the list of uncollectible accounts indicating \$58.69 of personal property accounts, \$785.34 of accounts receivable, and \$704.68 of CDA accounts receivable. Moved by Sloan, seconded by Thurow to recommend to Council for approval. Motion carried unanimously.

Informational Items

- a) City Attorney's report on insurance claims
 - o Claim Denial – Dorothy Schuetz requested \$500 for damages to vehicle due to alleged pothole.

- b) Atty. Truman explained that the City is currently interested in obtaining RFP or RFQ for agenda and minutes management services. After a brief explanation of what these services could include, the committee agrees that Atty. Truman will move forward with this.

Adjournment – Moved by Sloan, seconded by Thurow and carried to adjourn at 6:14pm.

BARABOO BUSINESS IMPROVEMENT DISTRICT (BID)
BOARD OF DIRECTOR'S MEETING

June 19, 2019

Members Present: S. Fay, N. Marklein Bacher, H. Kierzek, S. Byberg, T. Sloan, S. Brunker

Members Absent: B. Stelling, T. Wickus

Others Noticed: Ed Geick

Call to Order: Sarah Fay presided over the meeting, called it to order at 5:45 PM and noted compliance with the Open Meeting Law.

Meeting Minutes:

Moved by Byberg, seconded by Sloan and unanimously carried to approve the minutes of May 15, 2019.

Agenda: Moved by Kierzek, seconded by Brunker and unanimously carried to approve the agenda as published.

Reports of Officers and Committies

- Parking – Landscape Techniques will be handling weeds in parking lots.

New Business:

- Bylaws have not been updated since 2012. We will review them and discuss at next meeting.
- Vouchers:

Nei-Turner Media Group Brava Magazine	\$	1,085.00	
Capital Newspapers			525.00
Kriete – Benches		1,200.00	
Baker Tilly – Audit (on hold for now)			
TOTAL:	\$	2,810.00	

Moved by Sloan, seconded by Byberg to approve vouchers and unanimously carried.

Correspondence & Announcements:

1. **Next Meeting:** Wednesday, July 17, 2019 at 5:45pm, Committee Room #205.

Adjournment: Moved by Sloan, seconded by Kierzek to adjourn at approximately 5:54 p.m.

Baraboo Economic Development Commission

June 6, 2019

I. Call to Meeting to Order and Note Compliance with Open Meeting Law

Chair Jim Bowers called the meeting to order at 5:00 PM at the Sauk County Law Enforcement Center, 1300 Lange Court, Baraboo, WI. The meeting was noticed in conformance with Wisconsin State Statues regarding open meetings.

II. Roll Call

Present: Bowers, Ayar (6:25), Caflisch, Johnson, Palm, Reppen, Ryan, Taylor, Wastlund, White

Absent: Alt, Manson

Other: Patrick Cannon

III. Approve Agenda

Motion to approve the agenda as presented

Taylor (1); Johnson (2)

Aye: All via voice vote

Nay: None

IV. Approve Minutes

Motion to approve the minutes for May 2, 2019

White (1); Caflisch (2)

Aye: All via voice vote

Nay: None

V. Public Comment

No one from the public wished to speak at this time.

Introduction of Mr. Greg Manson as a new BEDC member - Mr. Manson was unable to attend this meeting

Presentation and facility tour by Sheriff Chip Meister.

Sheriff Meister provided a background on the current facility and the number of inmates that they are permitted to house at one time. He also indicated that the Sheriff's department has 131 employees. The employees are in two groups. One group is the patrol and the other at the jail facility.

The jail facility has several areas based upon the mental functions, gender and seriousness of the offense. Each inmate has a very strict procedure to be housed at the facility. The jail division also has a Huber Section in which inmates are permitted to leave for work purposes.

Sheriff Meister indicated that drugs and drug related crimes are one of the major problems facing Sauk County and the entire region. The other major problem is human trafficking. With the close proximity to the interstate highway system and the Wisconsin Dells tourism traffic, this problem continues to grow.

VI. Old Business

a. Updates on Development Activities

Mayor Palm indicated that the Wisconsin League of Municipalities recently aired a film clips regarding the poor condition of the roads in the area. He also indicated that a recent Senate proposal was to use one time funding for road repairs, but none of the funds were to be made available to Cities of Villages.

The Mayor also indicated that the City is in the process of hiring a consultant to serve as the facilitator for the hiring of the City Administrator position. Also, the City Council will be holding a goal setting session on July 10, 2019.

It was also noted that over 100 people attended the city Council meeting requesting that the Library project be accelerated in the Capital Projects plan.

b. Updates from Plan Commission and Council

These updates were included under the Development Activities.

c. Update from economic development partners and collaborators

- Ms. Caflich indicated that the Balanced Rock Winery will be open soon. She also indicated that a new Ice Cream facility has opened in downtown Baraboo.
- Mr. White continued to stress the housing needs in Sauk County.
- Ms. Ryan indicated that a group she is affiliated with is now called "power Up" They are working on renewable energy programs with the middle schools.

VII. New Business

a. Election of BEDC officers

1. Chair

Nomination of John Alt to serve as the Chair
Palm (1)

Motion to close nomination and unanimously elect John Alt as the Chair
Palm (1)

Aye: All (via voice vote)

Nay: None

1. Vice-Chair

Nomination of Jim Bowers to serve as the Vice- Chair
Wastlund (1)

Motion to close nomination and unanimously elect Jim Bowers as the Vice-Chair
Palm (1)

Aye: All (via voice vote)

Nay: None

1. Secretary

Nomination of Musa Ayar to serve as the Secretary
White (1)

Motion to close nomination and unanimously elect Musa Ayar as the Secretary
Palm (1)

Aye: All (via voice vote)
Nay: None

b. Consideration and discussion of changing the date/time for the July, 2019 meeting

It was noted that the next regular meeting of BEDC is set for July 4, 2019. After considerable discussion the Commission felt that they should cancel the July meeting and therefore the next meeting will be in August.

Motion:

To cancel the July, 2019 BEDC meeting and hold the next BEDC meeting on August 1, 2019

Palm (1); Taylor (2)

Aye: All via voice vote

Nay: None

VII. Update Partner Presentation Schedule

No updates were provided.

VIII. Commissioner and City Staff comments

No member wished to make a comment

IX. Adjournment

Motion to adjourn the meeting was made at 6:57 pm.

White (1); Caflisch (2)

Aye: All via voice vote

Nay: None

Minutes of the Public Safety Committee Meeting –

June 10, 2019

Members Present: Phil Wedekind, Tom Kolb, and Mike Plautz. **Others Present:** Tom Pinion, Administrator Geick, Police Chief Mark Schauf, Fire Chief Kevin Stieve, Mark Willer, and Tony Gilman.

Call to Order - Committee Chairman Phil Wedekind called the meeting to order at 1:00 P.M. at Baraboo City Service Center. Compliance with the Open Meeting Law was noted. It was moved by Kolb, seconded by Plautz to approve the agenda as posted. Motion carried unanimously. It was moved by Plautz, seconded by Kolb to approve the minutes of the April 29, 2019 meeting. Motion carried unanimously.

New Business

- a. Review proposed location and width of new sidewalk on the east side of the 1700 Block of Elizabeth Street between 15th and 16th Streets – Pinion said that this is in conjunction with notifying citizens of the City's intent to levy special assessments for public improvements. He said all property owners has asked for a little leeway to way the sidewalk is located relative to the curb line and narrowed up to 4-feet which is consistent with everything south. After a brief discussion, it was moved by Kolb that 4-foot sidewalks be installed on the east side of the 1700 Block of Elizabeth Street between 15th and 16th Streets. Plautz seconded the motion. Motion carried unanimously.
- b. Review proposed new sidewalk on the northeast side of Lake Street between South Street and Cherry Lane – Pinion presented this subject to the Committee via overhead video. After a brief discussion, it was moved by Kolb, seconded by Plautz that no sidewalk would be installed on the northeast side of Lake Street, between South Street and Cherry Lane. Motion carried unanimously.
- c. Review options to install storm sewer along the alley between Elizabeth and Camp Streets, from 2nd Street to 4th Street, to a public alley right-of-way and discuss the scope of a future alley reconstruction project – Pinion presented the background to the Committee. He said Option 1 provides a solution in the new alley right-of-way. Option 2 would require a drainage easement from at least a couple of the property owners. He said that given the topography and the elevation of the existing storm sewers around the perimeter of this block, the opportunity to design and construct a conventional storm sewer is limited; however, in the spirit of something is better than nothing is. He that the existing situation can be improved with the installation of small diameter perforated drainage tile with an area drain at the existing low points, as opposed to storm sewer with traditional catch basins or inlets. Pinion said that the cost of both options is approximately the same at \$21,500. Kolb asked from an Engineering standpoint, which option was the most effective to keep the area drained. Pinion said that it would be a horse apiece; he said the one from the south with the 12" concrete pipe is going to have a longer life expectancy than plastic perforated pipe. It was felt that the stormwater utility should pay for the expense. Pinion said that he would investigate monies available, if the project cannot be done this year, it will be scheduled for next year. It was stated that property owners would be notified that this work would be proposed in 2020.
- d. Review proposed alley reconstruction projects for 2019 – Pinion presented the list of the proposed alleys to be reconstructed this year to the Committee, with the PASER Rating of existing surface. He said that since the need exceeds the available funding, he is asking the Committee to prioritize the alleys. Pinion said that there is enough

money to do at least three alleys, if the money was stretched and time permitted, possibility a fourth. After a brief discussion the Committee prioritized the alleys as follows:

1. Sumac Ct., Lake Street east +/- 300 feet (cost shared with Deppe).
 2. Between 7th & 8th Streets, East to Barker Street (westerly 1/3).
 3. Between 12th & 13th Streets, Warren to Barker (2 patches).
 4. Between 5th & 6th Streets, Center to West (2 patches) (Big Tree).
 5. Between 5th & 6th Street, Wheeler to Camp.
 6. Between 4th & 5th Avenue, Broadway to Birch (Library Alley).
- e. Review Sauk County's All Hazard Mitigation Plan 2019-2024 – Chief Stieve presented the background to the Committee. He said that this plan outlines the demographics, the economic background information from all of Sauk County. He said that the Emergency Management Committee has recommended the City adopt this plan. It was moved by Kolb, seconded by Plautz to recommend the approval of Sauk County's All Hazard Mitigation Plan 2019-2024 as presented. Motion carried unanimously.
- f. Review and approval of monthly Billing Adjustments/Credits for Sewer and Water Customers for April and May 2019 – It was moved by Kolb, seconded by Plautz to approve the monthly Billing Adjustments/Credit for Sewer and Water Customers for April and May, 2019 as presented. Motion carried unanimously.

Informational Items

- a. Possible revisions to Solid Waste & Recycling Provisions in Chapter 11 of the General Code of Ordinance – Gilman presented the background on this request. He said that going through the ordinance, changes are being brought forth are due to the changes being made by Waste Management is changing how the City can dispose of their waste there. One instance is that Waste Management no longer allows any plastic bags in recycling. He said Waste Management is becoming with the City that if we continue to allow recycling in plastic bags that they will start refusing loads and consider it waste, which will cost more. Gilman felt that cart sizing should also be looked at, and the availability of carts. He said he is proposing that the primary cart size is 96-gallon. There was a brief discussion regarding utility creation. Gilman pointed out that there is a lot of new proposed language regrading to yard waste, leaves, and brush.

Reports

- a. Utility Superintendent's Report – Peterson said the department is in the process of flushing hydrants. He said the last of the bio-solids was just hauled out. Cleaning sewers are ending. He said that they are now getting ready for the open house.
- b. Street Superintendent's Report – Gilman said that the department has been busy with street sweeping, both streets and alleys. The department has also been very busy crack filling, and filling potholes.
- c. Police Chief's Report – Chief Schauf has been busy with gearing up for the circus parade, fireworks, and the fair. He said that the department is short one Community Service Officer. He said that two recent hires are relatively seasoned veterans. He said one of the big purchases from the budget this year was new records management software.
- d. Fire Chief's Report – Chief Stieve introduced Mark Willer, the new Assistant Chief, in charge of training. Willer started on May 29, 2019. Stieve said that he would be working on a progress report for the Operations Study. Stieve said that he had made connection with someone from Wisconsin Emergency Management and they looked at using the Air National Guard unit out of West Bend, with possibly helping with rescues at Devil's Lake. He said that someone is coming to Devil's Lake on Friday for a meeting regarding this. Stieve gave update on High School Training, and also call times.

AJOURNMENT – It was moved by Kolb, seconded by Plautz to adjourn at 2:10 p.m. Motion carried.

Copies of these meeting minutes are on file in the Clerk's office:

Ambulance	05-22-19	Library	06-18-19
Emergency Management	05-23-19	CDA	06-04-19, 06-13-19

Petitions and Correspondence Being Referred:

Disclosure from Jordan LaMasney, Paid-per-Call Firefighter

CLOSED SESSION

Moved by Wedekind, seconded by Sloan to go into Closed Session as per §19.85(1)(g), Wis. Stat., to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved (City Administrator to provide information on the ongoing union contract

negotiations with WPPA).

Council Members Present: Wedekind, Kolb, Plautz, Sloan, Petty, Ellington, Alt, Kierzek, Thurow
Council Members Absent:

Others Present: Chief Schauf, Adm. Geick, Att. Truman, Mayor Palm, Clerk Zeman, C. Haggard

OPEN SESSION

Moved by Sloan, seconded by Petty and carried on a unanimous roll call vote to return to Open Session as per WI Stats 19.85(2) to address any business that may be the result of deliberations made in Closed Session.

Moved by Ellington, seconded by Kolb that the 2020-2022 contract language with WPPA be approved, 9 ayes.

ADJOURNMENT

Moved by Wedekind, seconded by Kolb, and carried on voice vote, that the meeting adjourn.

Brenda Zeman, City Clerk